

ESTTA Tracking number: **ESTTA61254**

Filing date: **01/10/2006**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91125615
Party	Plaintiff UNIVERSITY OF SOUTHERN CALIFORNIA
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Submission	Plaintiff's Notice of Reliance
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Date	01/10/2006
Attachments	NOR 16.pdf (7 pages)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

UNIVERSITY OF SOUTHERN
CALIFORNIA,

Opposer,

v.

UNIVERSITY OF SOUTH CAROLINA,

Applicant.

Opposition No. 91125615

Serial No. 75/358,031

Mark: **SC (Stylized)**

Filed: September 16, 1997

Published: May 18, 1999

**OPPOSER'S NOTICE OF RELIANCE NO. 16
RELATING TO DOCUMENTS PRODUCED DURING DISCOVERY IN THIS ACTION
AND ADMISSIBLE BY NOTICE OF RELIANCE PURSUANT TO STIPULATION
BETWEEN ALL PARTIES**

Pursuant to Stipulation Regarding Documents entered into between Opposer the University of Southern California ("Opposer" or "California") and Applicant, the University of South Carolina, ("Applicant" or "Carolina") (collectively "Parties") on or about December 16, 2005, and filed with the Board on December 29, 2005, the Parties have agreed that certain documents produced in discovery in this case may be admitted into evidence by means of a notice of reliance. Specifically, the Parties stipulated as follows with respect to the documents identified below:

Opposer University of Southern California ("California") and University of South Carolina ("Carolina") (collectively "Parties") agree and stipulate that for the purposes of this action, the following documents are authentic and may be admitted into evidence by means of a notice of reliance. The Parties further agree and stipulate that for the purposes of this action these documents shall be considered as business records and/or ancient documents, and the Parties waive any other hearsay objections to the documents *except* that the Parties retain the right to object to material in such documents that constitutes hearsay within hearsay to the extent that such objections would have been otherwise available.

In accordance with TBMP §§ 704.11 and 705, documents may be made of record in an inter partes proceeding before the Board by stipulation of the parties. Attached as Exhibits 254 through 255, respectively, are true and correct copies of the following documents produced in discovery in this action and stipulated to by the Parties:

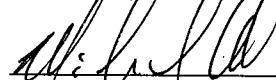
Opposer's Exhibit No.	Bates Range	Description
254	APP 00210	Document from Applicant's files depicting University of Southern California baseball player Seth Etherton wearing hat with Opposer's SC baseball mark
255	APP 00211	06/06/1997 trademark search printout from Applicant's files re Opposer's Registration No. 1,844,953 for Opposer's SC word mark

Opposer hereby gives Notice that it will rely upon these documents. The documents are relevant in this action to demonstrate that Applicant, the University of South Carolina, ("Applicant"), was aware of both Opposer's general registration for "SC" in typed form for collegiate merchandise and also Opposer's "Baseball SC" stylization of that "SC" mark at the time Applicant filed Applicant's current "SC" federal trademark application on September 16, 1997.

Dated: January 12, 2006

Respectfully submitted,

GIBSON, DUNN & CRUTCHER, LLP



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Attorneys for Opposer

University of Southern California

on

UNIVERSITY OF SOUTHERN CALIFORNIA

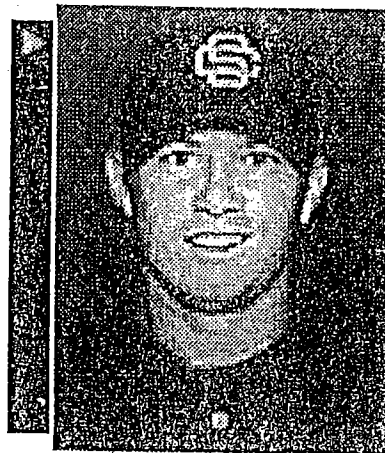
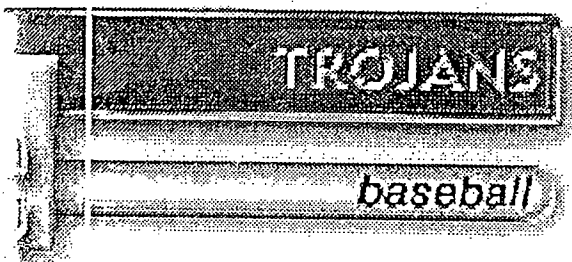
ATHLETICS



BASEBALL

TEAM SCHEDULES/RESULTS ARCHIVES NEWS/STATS

May 14-May 1997



Name:

Seth Etherton #33

Class/Position:

Jr., Pitcher

Hometown:

Laguna Niguel, Calif.

High School:

Dana Hills

A 1996 All-American second teamer and the 1996 Pac-10 Pitcher of the Year, Etherton showed himself as one of the nation's finest righthanded pitchers and will be a first round draft pick...A 1997 All-American candidate, the junior--who was named Player of the Week in 1996--throws a fast ball, curve, slider and change-up.

Opposer's
Ex. No. 254, Pg. No. 1

APPLICANT 00210

Int'l Class : 006 - Metal Goods

Goods & Srvcs: keyrings of non-precious metals; decorative emblems or plates of non-precious metal, for attachment to autos; art work statuary of non-precious metals, all goods being offered and sold to persons through university authorized channels of trade

1st Use Date : 19260000

1st Comm Date: 19780000

Int'l Class : 018 - Leather Goods

Goods & Srvcs: umbrellas, hand luggage, tote bags, luggage; namely, tote bags, hand luggage, garment bags for travel, and small traveling bags for overnight trips, fanny packs, toiletry bags sold empty, briefcases, back packs, all goods being offered and sold to persons through university authorized channels of trade

1st Use Date : 19260000

1st Comm Date: 19870000

Int'l Class : 024 - Fabrics

Goods & Srvcs: towels, blankets, cloth pennants, and cloth flags, all goods being offered and sold to persons through university authorized channels of trade

1st Use Date : 19260000

1st Comm Date: 19870000

Int'l Class : 025 - Clothing

Goods & Srvcs: sweatshirts and T-shirts, all goods being offered and sold at university-controlled outlets

1st Use Date : 19260000

1st Comm Date: 19870000

Last Rep Ownr University of Southern California
University Park
Los Angeles, CA 90089

Serial Number 74-094681
Date Filed 19900905

Regis. No. 1844953
Regis. Date 19940712

Status Registered
Sec 1B ITU Yes
Mark Drg Code 1: Word Only

Type of Mark Trademark

APPLICANT 00211

Opposition No. 91125615


CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **OPPOSER'S NOTICE OF RELIANCE NO. 16 RELATING TO DOCUMENTS PRODUCED DURING DISCOVERY IN THIS ACTION AND ADMISSIBLE BY NOTICE OF RELIANCE PURSUANT TO STIPULATION BETWEEN ALL PARTIES** is being placed in the United States mail, first class, postage pre-paid, on January 10, 2006, addressed to the following:

John C. McElwaine
Liberty Center, Suite 600
151 Meeting Street
Charleston, SC
29401-2239

Attorneys for Applicant University of South Carolina

A copy is being sent by e-mail to JCM@nmrs.com on the same date.



Mandy Robertson-Bora